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C O N F I D E N T I A L SECTION 01 OF 03 SARAJEVO 001531

SIPDIS

DEPARTMENT FOR EUR/SCE (FOOKS/STINCHCOMB) AND S/WCI; NSC
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SUBJECT: BOSNIA - REPUBLIKA SRPSKA ATTACKS ON MISSING
PERSONS INSTITUTE INTENSIFY

REF: A. SARAJEVO 1520

[1](#)B. 07 SARAJEVO 1174

Classified By: Michael J. Murphy. Reasons 1.4 (b) and (d).

[1](#)1. (C) SUMMARY: Republika Srpska (RS) authorities have taken a series of steps that undermine the ability of the state-level Missing Persons Institute (MPI) to locate, exhume, and identify victims of the 1992-1995 war. MPI was designed to search for missing individuals without regard to ethnicity (unlike the old RS and Federation bodies for missing persons). Its work is critical to justice and reconciliation in Bosnia. A vociferous press campaign in the RS against MPI began early this year -- not long after MPI was formally established -- accusing it of bias against Serbs. In June, RS PM Dodik used these unfounded criticisms to justify the creation of a parallel organization at the entity level, the RS Operational Team for Tracing Missing Persons (RSOT). Despite promises by Dodik to the international community at the time that the RSOT would work cooperatively with MPI, precisely the opposite has happened. The RSOT has recently confiscated property belonging to MPI, denied it access to its offices, archives, and morgues, and refused to share information with it. These actions have made it impossible for MPI to fulfill its mandate or comply with the 2004 state-level Law on Missing Persons. This will undoubtedly fuel further complaints from Serbs that MPI is not doing its job, which will, in turn, be used to justify the need for the RS to have its own body responsible for missing persons. END OF SUMMARY

The Long, Slow Formation of MPI

[1](#)2. (SBU) In 2003, in an effort to build the capacity of Bosnia to address the issue of missing persons -- regardless of their ethnic or religious backgrounds -- the International Commission on Missing Persons (ICMP), with strong support from the USG, invited the Council of Ministers (CoM) to become co-founders of the state-level Missing Persons Institute (MPI). A law formally establishing MPI was adopted in 2004. Following significant consultations with the families of the missing entity governments, the state, and Brcko District agreed in 2005 that MPI would take over the functions, staff and operations of entity-level bodies on missing persons. However, it was not until 2006 that the RS government, headed by Milorad Dodik, adopted a decision transferring the tasks from the RS missing persons commission to MPI and that MPI's three directors were appointed.

[1](#)3. (SBU) Despite 2004 law and the 2006 transfer agreement, the CoM failed to appoint MPI's Steering Board, which was to

be responsible for MPI's budget, work plan, and personnel decisions -- all essential to MPI's operations. Prime Minister Spiric, who is from Dodik's Alliance of Independent Social Democrats SNSD played a role in blocking the Steering Board's appointment (Ref B). It was only after pressure from the international community that, in June 2007, the Steering Board was appointed. MPI finally became operational in January 2008 after signing contract with its staff (personnel absorbed from the RS and Federation missing persons commissions). However, funding from the Ministry of Finance to pay salaries arrived four months later.

Republika Srpska Public Campaign Against MPI

14. (SBU) Not long after the state began providing MPI with the funds it required to function effectively a vociferous press campaign began in the RS alleging that MPI was not working in the interest of the Serbs. RS victims groups (some, not all) attacked MPI's performance and accused it of obstructing searches from missing Serbs. (Note: According to ICMP, this is untrue. The unofficial breakdown of missing persons by ethnicity is 85% Bosniak, 12% Serb, and 3% Croat. Approximately 10% of all DNA matches have been for Serbs, though the number varies from year to year based on information provided about the location of mass graves. In 2008, thus far Serb matches have been 5% of the total. End Note) RS politicians, including members of Dodik's party, also began calling for recreation of an RS body for missing persons.

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Dodik Establishes a Parallel Body

15. (C) Ostensibly responding to the complaints about MPI's ineffectiveness, Dodik announced in June that the RS would set up an RS Operational Team for Tracing Missing Persons (RSOT). OHR and others objected to the proposal, underscoring to Dodik that it was inconsistent with the Law on Missing Persons, effectively reversed the competency transfer he, himself, had signed in 2006, and amounted to the creation of parallel entity institution where the state had clear legal responsibility. At the time, Dodik reassured OHR that this was not his intention and that his aim was only to respond to complaints he had received from family associations. In a June meeting with HighRep Lajcak, Dodik pledged that the RSOT would only engage in information gathering and coordinating functions within the RS and that it would cooperate with, not undermine, MPI.

Watch What We Do, Not What We Promise

16. (C) In practice, however, the RSOT has become a parallel institution many had feared it would (ICMP contends that it is illegal), and it has taken increasingly bold steps to undermine MPI. Even prior to the RSOT's formation, ethnic-Serb MPI personnel began resigning, with the Banja Luka regional office leaving en masse, eventually moving over to the RSOT. In fact, the Banja Luka staff did not go anywhere; they simply changed the sign on the office door from "Missing Persons Institute" to "Operations Teams." By doing so, the RSOT took property (i.e., offices, computers, files, and cars) that the Law on Missing Persons has specifically enumerated as MPI property.

17. (SBU) Not least among the items that the RSOT expropriated in Banja Luka were MPI's archives and the keys to the morgue where approximately the remains of 600 unidentified persons are located. Similarly, at MPI's Eastern Sarajevo office, RSOT obtained the morgue keys and effectively denied MPI access to the remains, but MPI managed to retain its East Sarajevo archives. In the third RS MPI office, in Nevesinje, loyal staff maintained employment at MPI, and held on to

property, archives, and morgue keys. An MPI car was seized in Nevesinje by police on the order of an RSOT staff member, but it was later returned to MPI staff there.

We Won't Tell You Where To Look

¶18. (SBU) Another effort to weaken MPI has come with the insistence by RS authorities that MPI sign a protocol with RSOT, in which the RSOT, using the archives that were legally transferred to MPI in January 2008, would provide general location information on mass graves, but no "micro-location or grid coordinates." MPI knowing, for example, that reports of possible mass graves "in the general vicinity of Srebrenica" would be useless, refused to sign. The protocol also foresees allowing RSOT to withhold information from MPI "for security reasons." In fact, according to ICMP, the Bosnian Constitutional Court has issued more than 20 decisions obliging all levels of government to provide all relevant information on missing persons to MPI.

RS May Have ICMP In Its Sights, Too

¶19. (SBU) In yet another problematic development, on September 24 ICMP received notice that its DNA lab in Banja Luka would have its lease terminated. The building, an RS government-owned hospital, is allegedly changing ownership (to the RS Forensics Institute), and ICMP was told that it must leave the current space it occupies, which it renovated at considerable cost. Coming on the heels of the developments mentioned above, ICMP and MPI officials do believe the planned eviction is a coincidence. We raised this issue with the RS Minister of Health Skrbic on September 26, who asserted that ICMP had not been asked to leave the premises. After we highlighted that the letter clearly referred to the "exact date of the office premises hand over" Skrbic argued that we (and others) had "misinterpreted" it. He agreed to meet jointly with ICMP and Embassy representatives to help resolve the "misunderstanding."

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Comment

¶10. (C) The RS attack on state-level institutions continues, with MPI the most recent target. Political and bureaucratic roadblocks, some most likely erected deliberately (i.e., Spiric's actions in 2007), contributed to the almost two-year delay in standing-up MPI, but MPI's troubles over the last several months have clearly been driven by RS actions. The organized press campaign against it, the creation of a parallel entity-level body, and then the use of the body to disrupt MPI's work -- despite "private assurances" that this would not happen -- fit a clear pattern. As MPI falters in the face of these assaults, we should expect RS officials to use this to further justify the need for the RSOT. We should also expect Dodik to cite MPI as another example of a failed reform in support of his campaign to "decentralize the state" (i.e., reverse the reforms of the last 13 years) (Ref A). MPI's work is critical to our justice and reconciliation agenda in Bosnia, so its trouble will have consequences for issues such as war crimes prosecution. Ironically, the biggest victims of the RS campaign against MPI may be the ethnic Serb victims associations, since an effective MPI is a prerequisite to locating, exhuming, and identifying Serb victims in the Federation.

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